

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	RONALD A. GUZMÁN	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 6375	DATE	3/07/08
CASE TITLE	U.S. ex rel. Theodore Luczak (B-00780) v. Terry McCann		

DOCKET ENTRY TEXT:

Petitioner's motion for appointment of counsel or in the alternative a court order affording adequate and meaningful access to legal materials [17] is denied as premature. The Clerk is directed to send a copy of this order to the Warden Terry McCann of Stateville Correctional Center.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Petitioner's motion for appointment of counsel is denied at this time as premature. Counsel must be appointed in a habeas corpus proceeding only if an evidentiary hearing is needed or if the interests of justice so require. *See* Rule 8(c), Rules Governing Section 2254 Cases. Whether the interests of justice require appointment of counsel in this case cannot be determined until after the Court has had an opportunity to review and consider respondent's answer to the petition.

In the alternative Petitioner asks for a court order affording him adequate and meaningful access to legal materials. Due to penological concerns of security and orderly administration, the Court will defer to the judgment of Stateville Correctional Center officials with respect to scheduling inmates' use of the law library and receiving of legal materials. Nevertheless, the Court certifies that the above-captioned case is pending in federal court. The Court accordingly requests that correctional officials grant the plaintiff reasonable access to the law library, in a manner to be determined by prison administrators. The Court emphasizes that this is a request to prison officials, not an order.

Courtroom Deputy
Initials:

CLH